

AMENDMENTS TO THE DRAWINGS

The attached replacement Drawings sheets includes formal Drawings of Figs. 26A-38. The Drawing sheets including those Figures replaces the original informal sheets originally submitted on 4 February 2004.

Attachment: Five (5) Replacement Sheets.

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the final Office Action dated 5 September 2006. Responsive to the final Office Action, new Claims 29-32 have been added and Claim 19 has been amended for further prosecution. It is believed that with such amendment and insertion of new Claims, there is a further clarification of their recitations.

In the final Office Action, the Examiner rejected Claim 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to this rejection, Claim 22 has been canceled thus obviating the Examiner's rejection.

In the Office Action, the Examiner rejected Claims 19-23 under 35 U.S.C. § 102(b) as being anticipated by the Pesko reference. Additionally, Claims 24-26 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Lazslo reference. The Examiner also rejected Claims 19, 21-25, 27 and 28 under 35 U.S.C. § 102(b) as being anticipated by the Murdock reference. Additionally, the Examiner rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over either of the Murdock or Pesko references in view of anyone of the Douglass, Samiean or Papanikolaou references. Furthermore, the Examiner rejected Claim 26 under 35 U.S.C. § 103(a) as being unpatentable over the Murdock or Lazslo reference in view of any one of the Douglass, Samiean or Papanikolaou references. However, Claims 20-28 have been canceled thus obviating the Examiner's rejection of those Claims, leaving Claim 19 and newly-inserted dependent Claims 29-32.

As newly-amended independent Claim 19 now more clearly recites, Applicant's manicuring device is one which includes among its combination of features a proximal member which is "releasably coupled" to the first end of the elongated member. The proximal member includes a first end including the cutting implement. The cutting implement has "a flat portion at one end and a guard member at a second opposing end thereof and a pair of cutting edges therebetween." The cutting implement permits safe cutting of excess cuticle tissue along the nail surface in either direction while protecting the area beyond the cuticle from inadvertent cutting. Even beyond this, as the proximal member is releasably coupled to the elongated member, such allows for ease of disposal or cleaning of that member.

The full combination of these and other features now more clearly recited by Applicant's pending Claims is nowhere disclosed by the cited Pesko reference. In this regard it is clear that the Pesko reference nowhere discloses or suggests a proximal or distal member that is "releasably coupled" to the elongated member. Furthermore, as the Examiner noted, the first (90) and the second (86) ends of the Pesko device (FIG. 14) are secured by a rivet (84) with the manicuring implement being "collapsible" but not releasably coupled.

The Murdock reference is deficient in its disclosure much in the manner of the Pesko reference. The Murdock reference nowhere discloses or suggests the proximal or distal member that is "releasably coupled" to the elongated member. As clearly seen in the Figures in the Murdock reference, the ends (19, 12) are attached and by no means release "releasably coupled".

Thus, as the Pesko and Murdock references fail to disclose each and every one of the elements of the invention of the subject Patent Application, such cannot anticipate the invention as now claimed. Further, as the references fail to suggest the combination of elements now claimed, such cannot make obvious that claimed invention.

Given such contrary and deficient teachings of the Murdock and Pesko references, the secondarily-cited Douglass, Samiean and Papanikolaou references are found to be quite ineffectual to the present patentability analysis. Such were cited for disclosing isolated features but fail to sufficiently remedy the deficiencies of the primarily-cited Pesko and Murdock references. Additionally, new Claims 29-32 are ultimately dependent upon now amended independent Claim 19 and are at least patentably distinct for the same reasons as independent Claim 19.

It is respectfully submitted, therefore, that the Murdock, Pesko, Douglass, Samiean, Lazslo, and Papanikolaou references even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

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If there are any further charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



Rajiv S. Shah
Registration #56,247

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Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586